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**TRANSMITTAL OF APPEAL BRIEF (Small Entity)**

Docket No.  
GB1-0001

In Re Application Of: **GEORGE B. PRINCE, III**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/836,890	April 17, 2001	Nano, Sargon N.	23413	2157	5177

Invention: **SYSTEM AND METHOD FOR PROVIDING DIGITAL MESSAGING SERVICES**

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:  
**September 26, 2005**

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for filing this Appeal Brief is: **\$250.00**

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*Signature*

Dated: **January 13, 2006**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE B. PRINCE, III )  
 ) Group Art Unit:  
 ) 2157  
Serial No: 09/836,890 )  
 )  
Filed: April 17, 2001 )  
 ) Examiner:  
For: SYSTEM AND METHOD FOR PROVIDING ) Nano, Sargon N.  
DIGITAL MESSAGING SERVICES )

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APPEAL BRIEF

REAL PARTY IN INTEREST

The real party in interest is Gerber Scientific, the assignee of record as recorded at  
reel/frame 012151/0863.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

STATUS OF CLAIMS

Claims 1-4, 6, 7 and 22 stand finally rejected. Claims 5 and 8-21 are withdrawn.

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The rejections of claims 1-4, 6, 7 and 22 are herein appealed.

#### STATUS OF AMENDMENTS

There have been no amendments filed after the final rejection mailed June 24, 2005.

#### SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided below.

Claim 1 is directed to an input device for entering product information and initiating selection of display-ready content related to the product from said storage device for display on said display screen; said input device is a bar code reader and the product includes a bar code, said input device initiating selection of said display-ready content upon said bar code reader reading the bar code, said bar code reader and said display screen being located proximate to the product in a retail establishment.

The present application relates to a method and system for communicating consumer-oriented information to customers in a retail environment via a computerized network system. By using a display screen and bar code reader in a location proximate to the product in a retail establishment, the user can obtain product information at the point of display of the product. Embodiments of the invention relate to a hosting system and a retail/client system that are connected via the Internet to ad agencies, advertisers, corporate marketing corporations and graphic/artist contractors.

As shown in Figure 1, the system includes a hosting system 102 for implementing a digital messaging system, which provides digital advertising and information services in real-time or near real-time via the Internet to a subscribing client system 120 by utilizing digital messaging applications and system devices. (Page 6, lines 10-11 and page 8, lines 5-10)

Graphics services can be provided via the hosting system 102 by establishing an agreement with independent graphic artists 130 who employ Internet and web-enabled devices. (Page 9, lines 14-16) Another source of content to be displayed on display screen 128 originates from national and local advertisers 140. Yet another source of

content includes local content 150 which provides news, weather, sports, stock market information and the like for viewing on display screen 128. (Pages 9, line 19 – page 10, line 2).

Furthermore, local content providers are typically under agreement with the hosting system 102 to provide these services, and client system 120 may choose from one of these content providers. Large client systems 160 with large or dispersed corporate offices can collaborate on the design and nature of content to be displayed. (Page 10, lines 2-8)

Finally, an advertising agency 170 may access hosting system's 102 web site on behalf of its client in order to create content for its customers. (Page 10, lines 8-9)

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claim 1-4, 6 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Call.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Call in view of Al-Kazily.

#### ARGUMENT

##### **Claims 1-4, 6**

Claim 1-4 and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Call.

This rejection is traversed for the following reasons.

Claim 1, as amended, recites “an input device for entering product information and initiating selection of display-ready content related to the product from said storage device for display on said display screen; said input device is a bar code reader and the product includes a bar code, said input device initiating selection of said display-ready

content upon said bar code reader reading the bar code, said bar code reader and said display screen being located proximate to the product in a retail establishment.”

Exemplary embodiments of claim 1 are described on page 17, line 24 – page 18, line 3 of Applicant’s specification. The main idea of these embodiments is that consumers can obtain at least product information under their own control in a retail environment.

A user, typically a customer at a retail store, accesses product information for viewing from one or more of a plurality of display screens via a selected input device, such as a bar code scanner. The input device provides a user interface either directly to hosting system, or indirectly through client system, for requesting product information.

For instance, a customer may be browsing through the aisles of a retail client system looking for a bottle of wine. The customer may have no knowledge or limited knowledge about wines in general or may be curious about a new product on display within that aisle. Consequently, it is desirable to provide a digital messaging service at a point of display location, that is designed to pull in a viewing audience and which provides interactive capabilities. Claim 1 states that this interaction (i.e., the bar code reader and the display screen) is provided proximate to the product in a retail establishment. Thus, a user considering a product for purchase can obtain additional information on the product in the aisle.

Call fails to teach this processing. Call does disclose a system in which a retailer (107 in Figure 1) can enter a UPC code to retrieve information about a product from a website. Call teaches that a retailer 107 may submit UPC codes to a product code translator 101 that accesses the correct website for each product. The retailer product codes may come from an inventory system (col. 14, lines 34-46). Clearly, the retailer computer and inventory system 107 shown in Figure 1 is not going to be positioned proximate to products in a retail establishment. The retailer inventory system is more likely not proximate to products, but rather in a back room of the retailer.

The Examiner does cite to one bar code scanner that is positioned proximate to products, namely the checkout scanner (col. 2, lines 3-29). This checkout scanner, however, is not described as accessing information from a website through the product code translator 101. The reference to the checkout scanner in Call is simply to describe

that UPC codes are used at checkout scanners. Thus, Call fails to teach “said bar code reader and said display screen being located proximate to the product in a retail establishment” in conjunction with the other elements of claim 1.

For at least the above reasons, claim 1 is patentable over Call.

Claims 2-4 and 6 depend from claim 1 and are patentable over Call for at least the reasons advanced with reference to claim 1.

### **Claim 22**

Claim 22 recites “said display displays information in a number of windows, said initiating selection of display-ready content related to the product from said storage device for display on said display screen altering the display of only one the windows related to in-store products.” An example of this feature is shown in Figure 5 where window 502 may be altered when a user scans the UPC of a bottle of wine, but the other windows in the display remain the same, displaying local information.

Call does not teach this feature. The Examiner cites to col. 29, line 61 – col. 30, line 14 of Call as allegedly disclosing this feature. This section of Call generally describes displaying product information, but does not teach the features of claim 22. Thus, claim 22 is patentable over Call.

### **Claim 7**

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Call in view of Al-Kazily. This rejection is traversed for the following reasons.

Claim 7 states that the display screen is a kiosk. This allows customers to obtain product information in the retail environment proximate to the product in a retail establishment. Al-Kazily teaches obtaining information over a network at a kiosk. It is unlikely, however, that Call would provide access to its inventory data through a kiosk. Call teaches accessing product information by a retailer 107 through a PC coupled to an inventory control system. Clearly, this type of information is proprietary to the retailer and would not be made available to consumers at a kiosk. Accordingly, there is insufficient motivation to combine Al-Kazily with Call, as this combination would result in proprietary inventory information being publicly available at a kiosk.

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 1-4, 6, 7 and 22 be reversed.

The fee as set forth in 37 CFR § 41.20(b)(2) is enclosed herewith.

If there are any charges with respect to this Appeal Brief or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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Date: January 13, 2006

## CLAIM INDEX

1. A system for providing digital messaging services received from multiple sources over a communications network, comprising:
  - a client system, including:
    - a display screen coupled to a communications link; and
    - a workstation including a web browser, a user interface, a memory, and a processor, said workstation coupled to said communications link;
  - a hosting system, including:
    - a server coupled to a communications link;
    - a workstation for:
      - accessing applications stored on said server;
      - inputting and retrieving information stored within said hosting system,wherein said workstation is coupled to said communications link; and
  - a data storage device for storing data utilized by said hosting system;wherein said hosting system is accessible to said communications network;
  - wherein said client system and said hosting system are in communication with each other, and wherein further, said hosting system provides digital messaging services to said client system;
  - an input device for entering product information and initiating selection of display-ready content related to the product from said storage device for display on said display screen;
  - said input device is a bar code reader and the product includes a bar code, said input device initiating selection of said display-ready content upon said bar code reader reading the bar code, said bar code reader and said display screen being located proximate to the product in a retail establishment.



2. The system of claim 1, wherein said digital messaging services include data collection resources procured from said client system, and at least one of a local content provider, national advertiser, local advertiser, corporate marketing group, and advertising agencies.

3. The system of claim 2, wherein local content from said local content providers include one of:

news,  
trivia,  
weather,  
sports, and  
stock market updates.

4. The system of claim 1, wherein said client system is at a retail establishment.

5. (Canceled).

6. The system of claim 1, wherein said display screen is a monitor.

7. The system of claim 1, wherein said display screen is a kiosk.

8. – 21. (Canceled)

22. The system of claim 1 wherein:  
said display displays information in a number of windows, said initiating selection of display-ready content related to the product from said storage device for display on said display screen altering the display of only one the windows related to in-store products.